

February 15, 2012

CGB CC-1207

FCC
Attn: Secretary's Office
Closed Captioning
445 12th Street, SW
Washington, D. C. 20554

Received & Inspected
FEB 23 2012
FCC Main Floor

RE: REQUEST FOR EXEMPTION FROM COMMISSION'S
CLOSED CAPTIONING RULES

Pollard Advertising, the owner of the "Pollard/Certified Auto Show", respectfully submits this petition requesting exemption from the closed captioning requirements, under Section 79.1 of the Commission's rules. 47 C. F. R. §79.1. Pollard Advertising believes that the program "Pollard/Certified Auto Show" qualifies for this exemption for the following reason.

Part 79.1 Section (D)

Item (8) "Pollard/Certified Auto Show" is locally produced and distributed non-news program with no repeat value. The program is of local public interest, is not a news program, and the "electronic news room" technique of captioning is unavailable.

Part 79.1 Section (F)

Compliance would impose an undue burden to Pollard Advertising for the following reasons:

(1) It would be necessary to send the programs to an outside source for captioning. In this case it would be a cost of approximately \$150 + per program. The current cost to "produce" the program is \$300 - \$350. The additional cost would equate to a 50% addition in production cost alone.

The cost of the least expensive software that I can find is \$7,000.00 to produce the closed captioning and is prohibitive due to the size and scope of the people involved with the production. I am a one man shop and having to spend 1/4 of my annual salary for the software alone would make it difficult for me to continue.

In this case (West Texas) there is only one location for captioning and the time it would take them to close caption the program and return it for delivery to the TV station, the inventory that is being shown on the program would be either already retailed to a customer or wholesaled to another buyer. The average time from shooting the footage and broadcasting the program is 24 to 48 hours and then the information becomes aged and out of date with the possibility of being accused of "bait and switch" since most of the vehicles shown would already be off the lot by the time the viewer saw the program.

(2) The Additional expense would make the viability of running such a program in this market, unreasonable due to the very nature of making and paying for the air-time for what is actually a "Used Vehicle Info-mercial". There has to be a line drawn in a small market budget for advertising and the additional expenditures would mean that the program would have to cease to be produced after over 25 years of broadcasts. This would eventually mean that at least one employee would be released for lack of need due to the size of the company that is in charge of production. This is not New York, this is a small West Texas town.

(3) "Pollard/Certified Auto Show" is an informational broadcast program for the purpose of increasing awareness of the availability of value car shopping in the community.

All information that is mentioned about each individual vehicle shown on the program is backed up visually, on screen with either the video of the vehicle being shown or the characters on the screen showing the make, model, and price of the vehicle.

A person sitting without the sound on their TV, would be able to see the vehicle, and know the year, make and model as well as the asking price without ever hearing the voice of the salesman on screen at the time. Closed captioning the, sometimes silly, conversations between the host and the salesman would not provide any important "game changing" information that the viewer cannot already read.

In addition, the average viewership of the "Pollard/Certified Auto Show" on any weekend morning, may be as high as 200 people actively watching the program at any given moment. This program is not exciting, has no plot, and is an "infomercial" with the sole purpose of allowing the community to see the current inventory that we have available "that week" on our used vehicle lot.

As for additional sponsors to help defray the cost of the closed captioning. There is not a good way to get our competition to place advertising with us. All of the automotive related products and services that would "fit" in the program, would be in direct competition with the same services that we promote for our own dealership.

If you take the Census Bureaus estimate that (in Texas) show 5.45% of the population is deaf and .45% is "hard of hearing", and extrapolate that down to the size of the potential viewing audience of this program on a Saturday morning, the possible number of viewers that would miss out on the, sometimes inane and often pointless conversations, could be as high as 12 viewers. This would equate to a cost of \$10-12 per viewer that is currently deaf or hard of hearing that may or may not be inclined to watch the program.

I have had a constant ringing in my ears for the last 10 years. I think it is called tinnitus. I assume that it would put me in the list of "hard of hearing", yet considering the size of this market, I would never expect someone to spend that money on the off chance that I might, maybe, stop channel surfing long enough to watch all the while knowing that the vehicle being shown on the screen and the information that is placed with wording on the screen is all that I need to know to make an informed decision as to whether or not I am interested in buying.

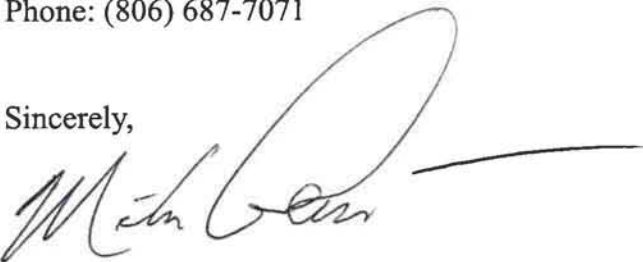
I am not saying that the population that is deaf or have trouble hearing is not important for I am one of them, what I am saying that they are not missing a thing where it comes to the audio portion of the "Pollard/Certified Auto Show".

I appreciate what you do. I understand the magnitude of your task at hand and would not change places with you for five minutes. I wish that one of the local stations would have alerted me as to the deadlines that were set for the middle of January and I hope that the tardiness of this request does not reflect badly upon my need for this exemption.

Again, I respectfully request that "Pollard/Certified Auto Show" be exempt from the closed caption requirement for the above stated reasons. I may be reached at:

Michael Lewis
Pollard Advertising
4111 Ave. Q
Lubbock, Texas 79412
Phone: (806) 687-7071

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lewis", followed by a long horizontal line extending to the right.

Mike Lewis
Pollard Advertising